

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 17, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRIAN E.,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:20-CV-0433-JAG

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 24. Attorney Chad L. Hatfield represents Plaintiff; Special Assistant United States Attorney Leisa A. Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 24**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the Appeals Council shall remand the matter to an Administrative Law Judge to perform the following: (1) consider whether Plaintiff's self-employment income constitutes substantial gainful activity; (2) reevaluate the medical opinion evidence, including the supportability and consistency of the opinions of Gregory J. Charboneau, Ed.D., and the prior

1 administrative findings of Michael L. Brown, Ph.D., and Christmas Covell, Ph.D.;
2 (3) re-evaluate Plaintiff's residual functional capacity if warranted; (4) if
3 warranted, obtain supplemental vocational expert opinion evidence to determine
4 whether there are jobs that exist in significant numbers in the national economy
5 that Plaintiff can perform with his residual functional capacity; (5) allow Plaintiff
6 to demonstrate that the facts of the case warrant another hearing; and (6) take the
7 necessary steps in order to further develop the record and issue a new decision on
8 the issue of disability through Plaintiff's date last insured.

9 2. **Judgment shall be entered for PLAINTIFF.**

10 3. Plaintiff's Motion for Summary Judgment, **ECF No. 16**, is
11 **STRICKEN AS MOOT.**

12 4. An application for attorney fees and costs may be filed by separate
13 motion.

14 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
15 Order, forward copies to counsel, and **CLOSE THE FILE.**

16 DATED December 17, 2021.



20
21
22
23
24
25
26
27
28

JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE

The signature of James A. Goeke is written in blue ink over a horizontal line. Below the signature, the name "JAMES A. GOEKE" and the title "UNITED STATES MAGISTRATE JUDGE" are printed in black capital letters.